E-filed on   8/20/08

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

BRAD BOTHELL,
 	
              Plaintiff,
 	
       v.
 	
PROGRESSIVE CAMPAIGNS; JOHN MICHAEL; BOB ANGELO DOE; SECRETARY DOE and DOES 1-100,
 	
              Defendants.
	No. C-08-02198 RMW
	
	ORDER DISMISSING ACTION
	
	[Re Docket Nos. 3, 5]

As set forth in its order dated May 12, 2008, the court, considering plaintiff Brad Bothell's motion to proceed *in forma pauperis*, determined that it did not have subject matter jurisdiction over plaintiff's complaint as filed. Accordingly, the court dismissed the complaint with leave to amend and deferred ruling on plaintiff's *in forma pauperis* application until after he had filed an amended complaint.

The court gave plaintiff twenty (20) days from the date of the order to amend his complaint to state a claim upon which this court may grant relief. The court informed plaintiff that if he failed to file an amended complaint, the case would be dismissed. Twenty days from the date of the order was June 2, 2008.

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1   As of the date of this order, plaintiff has not amended his complaint, nor has the court

2 received any other communication from him about the above-captioned case. Accordingly, the court

3 hereby dismisses plaintiff's complaint without prejudice to plaintiff filing a new action, assuming he

4 is able to state a cognizable claim over which this court has jurisdiction.

ORDER

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6   For the foregoing reasons, the court dismisses plaintiff's complaint without prejudice.

7 Plaintiff's *in forma pauperis* application is denied as moot. The clerk shall close the file.

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DATED: 8/20/08

Ronald M Whyte

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RONALD M. WHYTE
United States District Judge

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United States District Court
For the Northern District of California

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A copy of this order was mailed on _____8/21/08_____ **to**:

Counsel for Plaintiff:

Brad Bothell
80 S. Market Street
San Jose, CA 95113
PRO SE

Counsel for Defendant(s):

No appearance

Counsel are responsible for distributing copies of this order to co-counsel, as necessary.

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United States District Court
For the Northern District of California